

**MCCAULLEY LAW GROUP LLC**  
JOSHUA V. VAN HOVEN, (CSB No. 261815)  
E-Mail: [josh@mccaulleylawgroup.com](mailto:josh@mccaulleylawgroup.com)  
3001 Bishop Dr., Suite 300  
San Ramon, California 94583  
Telephone: 925.302.5941

RICHARD T. MCCAULLEY (*pro hac vice*)  
E-Mail: richard@mccaulleylawgroup.com  
180 N. Wabash Avenue, Suite 601  
Chicago, Illinois 60601  
Telephone: 312.330.8105

*Attorneys for Plaintiff and Counter-Defendant,  
SURGICAL INSTRUMENT SERVICE COMPANY, INC.*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

# SURGICAL INSTRUMENT SERVICE COMPANY, INC.

Case No. 3:21-cv-03496-VC

Honorable Vince Chhabria

TABLE OF EXHIBITS RE PLAINTIFF'S  
OPPOSITION TO INTUITIVE'S  
MOTION FOR SUMMARY JUDGMENT  
AND REPLY IN SUPPORT OF ITS  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT

Judge: The Honorable Vince Chhabria

Pursuant to Paragraph 48 of the Court’s Standing Order, Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) provides the following table of exhibits specifying the declaration to which each exhibit is attached and briefly describing each document:

| Exhibit | Declaration   | Description   | Under Seal or RJD            |
|---------|---------------|---|------------------------------|
| 1       | Van Hoven ¶ 1 | Exhibit 8 of the Deposition of Bob DeSantis, bates-labeled as Intuitive-00278203 – Intuitive-00278234 | Filed Under Seal (Intuitive) |
| 2       | Van Hoven ¶ 2 | February 15, 2018 e-mail from Joseph Fridlin, bates-labeled as Intuitive-00113020                     | Filed Under Seal (Intuitive) |
| 3       | Van Hoven ¶ 3 | E-mail chain culminating in a November 30, 2018 e-mail from alph                                      | Filed Under Seal (Intuitive) |

|    | Exhibit | Declaration    | Description  | Under Seal or RJD            |
|----|---------|----------------|--|------------------------------|
| 1  |         |                | Wadensweiler to Grant Duque, bates-labeled as Intuitive-00029346 – Intuitive-00029347  |                              |
| 2  | 4       | Van Hoven ¶ 4  | Excerpts of Deposition of Bob DeSantis (March 7, 2023)   | Filed Under Seal (Intuitive) |
| 3  | 5       | Van Hoven ¶ 5  | Exhibit 13 of the Deposition of Glenn Vavoso, bates-labeled as Intuitive-00100409 – Intuitive-00100412   | Filed Under Seal (Intuitive) |
| 4  | 6       | Van Hoven ¶ 6  | Article entitled “Medtronic’s Hugo too similar to Intuitive’s surgical robot to displace the market incumbent: analysts” by Nick Paul Taylor (April 5, 2023) | No                           |
| 5  | 7       | Van Hoven ¶ 7  | Article entitled “Intuitive faces down the competition” by Elizabeth Cairns (February 22, 2022)  | No                           |
| 6  | 8       | Van Hoven ¶ 8  | Article entitled “What does J&J’s Ottawa delay mean for Intuitive and Medtronic? It’s complicated” by Ricky Zipp (October 28, 2021)                          | No                           |
| 7  | 9       | Van Hoven ¶ 9  | Exhibit 240 of the 30(b)(1) Deposition of Grant Duque, bates-labeled as Intuitive-00027298   | Filed Under Seal (Intuitive) |
| 8  | 10      | Van Hoven ¶ 10 | Exhibit 241 of the 30(b)(1) Deposition of Grant Duque, bates-labeled as Intuitive-00027299 – Intuitive-00027303  | Filed Under Seal (Intuitive) |
| 9  | 11      | Van Hoven ¶ 11 | Expert Report of Amandeep Mahal, M.D. (May 10, 2021)   | No                           |
| 10 | 12      | Van Hoven ¶ 12 | Excerpts of 30(b)(1) Deposition of Grant Duque (November 8, 2022)  | Filed Under Seal (Intuitive) |
| 11 | 13      | Van Hoven ¶ 13 | Exhibit 63A of the Deposition of Ryan Shaw, bates-labeled as Intuitive-00114491 – Intuitive-00114494   | Filed Under Seal (Intuitive) |
| 12 | 14      | Van Hoven ¶ 14 | Exhibit 64 of the Deposition of Ryan Shaw, bates-labeled as Intuitive-01019873   | Filed Under Seal (Intuitive) |
| 13 | 15      | Van Hoven ¶ 15 | Document entitled “Managing the Long Tail of <i>daVinci Si</i> ”, bates-labeled as Intuitive-00795559 – Intuitive-00795610                                   | Filed Under Seal (Intuitive) |
| 14 | 16      | Van Hoven ¶ 16 | Exhibit 59 of the Deposition of Ryan Shaw, bates-labeled as Intuitive-00331265 – Intuitive-00331266  | Filed Under Seal (Intuitive) |

|    | Exhibit | Declaration    | Description  | Under Seal or RJD                              |
|----|---------|----------------|--|--|
| 1  | 17      | Van Hoven ¶ 17 | Excerpts of 30(b)(1) Deposition of Greg Posdal (November 1, 2022)  | No   |
| 2  | 18      | Van Hoven ¶ 18 | Expert Report of T. Kim Parnell, Ph.D. (January 18, 2023)  | Filed Under Seal (Intuitive, Rebotix)          |
| 3  | 19      | Van Hoven ¶ 19 | Excerpts of Deposition of Kevin May (November 3, 2022)   | Filed Under Seal (Restore)                     |
| 4  | 20      | Van Hoven ¶ 20 | Excerpts of Deposition of Maxwell Meng, M.D. (March 7, 2023)   | Filed Under Seal (Intuitive)                   |
| 5  | 21      | Van Hoven ¶ 21 | Rebuttal Expert Report of T. Kim Parnell, Ph.D. (March 1, 2023)  | Filed Under Seal (Rebotix, Restore, Intuitive) |
| 6  | 22      | Van Hoven ¶ 22 | Excerpts of Deposition of Robert Howe (February 24, 2023)  | Filed Under Seal (Intuitive)                   |
| 7  | 23      | Van Hoven ¶ 23 | Excerpts of 30(b)(6) Deposition of Greg Posdal (November 1, 2022)  | No   |
| 8  | 24      | Van Hoven ¶ 24 | Expert Report of Jean Sargent (December 2, 2022)   | No   |
| 9  | 25      | Van Hoven ¶ 25 | Excerpts of 30(b)(6) Deposition of Keith R. Johnson (October 27, 2022)   | No   |
| 10 | 26      | Van Hoven ¶ 26 | Excerpts of 30(b)(6) Deposition of Grant Duque (November 8, 2022)  | Filed Under Seal (Intuitive)                   |
| 11 | 27      | Van Hoven ¶ 27 | Excerpts of Deposition of Sharathchandra Somayaji (November 4, 2022)   | Filed Under Seal (Intuitive)                   |
| 12 | 28      | Van Hoven ¶ 28 | Excerpts of Deposition of Anthony McGrogan (June 7, 2021)  | Filed Under Seal (Intuitive)                   |
| 13 | 29      | Van Hoven ¶ 29 | Excerpts of Deposition of Dr. T. Kim Parnell (March 10, 2023)  | Filed Under Seal (Intuitive)                   |
| 14 | 30      | Van Hoven ¶ 30 | Instruments and Accessories User Manual dated April 2014, bates-labeled as Intuitive-00000501 – Intuitive-00000639 | Filed Under Seal (Intuitive)                   |
| 15 | 31      | Van Hoven ¶ 31 | Excerpts of Deposition of Paul D. Martin, Ph.D. (March 16, 2023)   | Filed Under Seal (Intuitive)                   |
| 16 | 32      | Van Hoven ¶ 32 | Rebuttal Expert Report of Kurt Humphrey (February 13, 2023)  | Filed Under Seal (Intuitive)                   |
| 17 | 33      | Van Hoven ¶ 33 | Exhibit 266 of the 30(b)(6) Deposition of Grant Duque, bates-labeled as Intuitive-02068686                         | Filed Under Seal (Intuitive)                   |
| 18 | 34      | Van Hoven ¶ 34 | Exhibit 267 of the 30(b)(6) Deposition of Grant Duque, bates-labeled as Intuitive-02068695 – Intuitive-0206897     | Filed Under Seal (Intuitive)                   |
| 19 | 35      | Van Hoven ¶ 35 | Exhibit 257 of the 30(b)(1) Deposition of Grant Duque, bates-  | Filed Under Seal (Intuitive)                   |
| 20 |         |                |  |  |
| 21 |         |                |  |  |
| 22 |         |                |  |  |
| 23 |         |                |  |  |
| 24 |         |                |  |  |
| 25 |         |                |  |  |
| 26 |         |                |  |  |
| 27 |         |                |  |  |
| 28 |         |                |  |  |

|    | Exhibit | Declaration    | Description  | Under Seal or RJN            |
|----|---------|----------------|--|------------------------------|
| 1  |         |                | labeled as Intuitive-01085683 – Intuitive-01085685   |                              |
| 2  | 36      | Van Hoven ¶ 36 | Exhibit 268 of the 30(b)(6) Deposition of Grant Duque, bates-labeled as Intuitive-02066979 – Intuitive-02067059  | Filed Under Seal (Intuitive) |
| 3  | 37      | Van Hoven ¶ 37 | Excerpts of Deposition of Ted Claiborne (November 21, 2022)  | Filed Under Seal (Intuitive) |
| 4  | 38      | Van Hoven ¶ 38 | Exhibit 299 of the Deposition of Ted Claiborne, bates-labeled as Intuitive-02070398.   | Filed Under Seal (Intuitive) |
| 5  | 39      | Van Hoven ¶ 39 | PowerPoint presentation entitled “Instrument eX: I&A Refurbishment Feasibility Update” dated January 30, 2017, bates-labeled as Intuitive-00423534 – Intuitive-00423578. | Filed Under Seal (Intuitive) |
| 6  | 40      | Van Hoven ¶ 40 | Exhibit 249 of the 30(b)(1) Deposition of Grant Duque, bates-labeled as Intuitive-00967614 – Intuitive-00967634  | Filed Under Seal (Intuitive) |
| 7  | 41      | Van Hoven ¶ 41 | Exhibit 247 of the 30(b)(1) Deposition of Grant Duque, bates-labeled as Intuitive-00967510 – Intuitive-00967542  | Filed Under Seal (Intuitive) |
| 8  | 42      | Van Hoven ¶ 42 | PowerPoint presentation entitled “Core Instrument Strategy” dated September 05, 2019, bates-labeled as Intuitive-00671209 – Intuitive-00671220                           | Filed Under Seal (Intuitive) |
| 9  | 43      | Van Hoven ¶ 43 | Exhibit 248 of the 30(b)(1) Deposition of Grant Duque, bates-labeled as Intuitive-00967609 – Intuitive-00967613  | Filed Under Seal (Intuitive) |
| 10 | 44      | Van Hoven ¶ 44 | February 13, 2019 e-mail from Mario Lowe to multiple recipients, bates-labeled as Intuitive-00214241 – Intuitive-00214244  | Filed Under Seal (Intuitive) |
| 11 | 45      | Van Hoven ¶ 45 | Excerpts of Deposition of Ronald L. Bair, Jr. (May 24, 2021)   | Filed Under Seal (Intuitive) |
| 12 | 46      | Van Hoven ¶ 46 | Excerpts of Deposition of Dan Jones (November 10, 2022)  | Filed Under Seal (Intuitive) |
| 13 | 47      | Van Hoven ¶ 47 | September 14, 2017 email from Katie Scoville to Dirk Barten, bates-labeled as Intuitive-00604054 – Intuitive-00604055  | Filed Under Seal (Intuitive) |

|    | Exhibit | Declaration    | Description   | Under Seal or RJP                              |
|----|---------|----------------|---|--|
| 1  | 48      | Van Hoven ¶ 48 | Exhibit 11 of the Deposition of Bob DeSantis, bates-labeled as Intuitive-00566055 – Intuitive-00566082                          | Filed Under Seal (Intuitive)                   |
| 2  | 49      | Van Hoven ¶ 49 | Rebuttal Expert Report of Philip J. Phillips (March 1, 2023)  | No   |
| 3  | 50      | Van Hoven ¶ 50 | FDA Staff Manual Guides entitled “Determination of Classification of Devices” dated November 13, 2018                           | Judicial Notice Requested                      |
| 4  | 51      | Van Hoven ¶ 51 | Expert Report of Philip J. Phillips (December 2, 2022)  | Filed Under Seal (Intuitive)                   |
| 5  | 52      | Van Hoven ¶ 52 | Web archive of the Da Vinci Instruments page of Intuitive’s website, retrieved on May 2, 2023                                   | No   |
| 6  | 53      | Van Hoven ¶ 53 | Exhibit 294 of the Deposition of Dan Jones, bates-labeled Intuitive-00986535 – Intuitive-00986537                               | Filed Under Seal (Intuitive)                   |
| 7  | 54      | Van Hoven ¶ 54 | Sales, License, and Service Agreement dated December 7, 2018, bates-labeled Intuitive-01807644 – Intuitive-01807658             | Filed Under Seal (Intuitive)                   |
| 8  | 55      | Van Hoven ¶ 55 | Excerpts of Deposition of Glenn Vavoso (May 14, 2021)   | Filed Under Seal (Intuitive)                   |
| 9  | 56      | Van Hoven ¶ 56 | Excerpts of 30(b)(1) Deposition of Keith R. Johnson (October 27, 2022)  | No   |
| 10 | 57      | Van Hoven ¶ 57 | Second Rebuttal Expert Report of Richard F. Bero (March 1, 2023)  | Filed Under Seal (Rebotix, Intuitive)          |
| 11 | 58      | Van Hoven ¶ 58 | Expert Report of Kurt Humphrey (July 26, 2021)  | Filed Under Seal (Rebotix, Restore, Intuitive) |
| 12 | 59      | Van Hoven ¶ 59 | Excerpts of Deposition of Stan Hamilton (November 4, 2022)  | Filed Under Seal (Rebotix)                     |
| 13 | 60      | Van Hoven ¶ 60 | Excerpts of Deposition of Clifton Parker (October 25, 2022)   | Filed Under Seal (Restore)                     |
| 14 | 61      | Van Hoven ¶ 61 | Intuitive Surgical Devices Business Overview, dated October 29, 1995, and bates-labeled Intuitive-00595673 – Intuitive-00595694 | Filed Under Seal (Intuitive)                   |
| 15 | 62      | Van Hoven ¶ 62 | Intuitive Surgical, Inc., Form 10-K for the fiscal year ended December 31, 2000   | Judicial Notice Requested                      |

1  
2 Dated: May 4, 2023

MCCAULLEY LAW GROUP LLC

3  
4 By: /s/ Joshua Van Hoven

5 JOSHUA V. VAN HOVEN  
E-Mail: josh@mccauleylawgroup.com  
6 3001 Bishop Dr., Suite 300  
San Ramon, California 94583  
7 Telephone: 925.302.5941

8 RICHARD T. MCCAULLEY (*pro hac vice*)  
E-Mail: richard@mccauleylawgroup.com  
9 180 N. Wabash Avenue, Suite 601  
Chicago, Illinois 60601  
10 Telephone: 312.330.8105

11 *Attorneys for SURGICAL INSTRUMENT  
SERVICE COMPANY, INC.*

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28